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5 IN THE UNITED STATES DISTRICT COURT
6
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 RENE BROWN,

No. C 06-5212 MEJ

9 Plaintiff(s),

10 vs. **ORDER TRANSFERRING CASE**

11 SINGLE ROOM HOUSING OCCUPATION
12 CORP. et al.,

**ORDER VACATING NOVEMBER 15,
2007 HEARING**

13 Defendant(s).
14 _____/

15 Pending before the Court is Defendants Single Room Occupancy Housing Corporation,
16 Anita U. Nelson, Ervin S. Munro, Steven Van Zile, Pamela Woodard, Barbara Nunley, and Charles
17 Watson's ("Moving Defendants") Motion to Dismiss for Improper Venue or to Change Venue.
18 (Doc. #13.) In their motion, Moving Defendants argue that all events or omissions giving rise to the
19 claim occurred in the Central District of Los Angeles, California, and all property that is the subject
20 of the action is situated in that district. Moving Defendants further argue that all named defendants
21 reside in Los Angeles. In response, Plaintiff argues that Moving Defendants have not shown that all
22 named defendants reside in Los Angeles.

23 The federal venue statute requires that a civil action, other than one based on diversity
24 jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants
25 reside in the same State, (2) a judicial district in which a substantial part of the events or omissions
26 giving rise to the claim occurred, or a substantial part of property that is the subject of the action is
27 situated, or (3) a judicial district in which any defendant may be found, if there is no district in
28 which the action may otherwise be brought." 28 U.S.C. § 1331(b). If a defendant challenges venue,

1 the plaintiff bears the burden of establishing that venue is proper in the forum. *Airola v. King*, 505
2 F. Supp. 30, 31 (D. Az. 1980); *Simon v. Ward*, 80 F. Supp. 2d 464, 468 (E.D. Pa. 2000). In the
3 interest of justice, a federal court may transfer a complaint filed in the wrong district to the correct
4 district. 28 U.S.C. § 1406(a); *District No. 1, Pacific Coast District v. Alaska*, 682 F.2d 797, 799 (9th
5 Cir. 1982).

6 In this case, it appears that none of the three provisions in § 1391(b) apply to this district.
7 Plaintiff has not shown that any named defendants reside in this judicial district, that any of the
8 events giving rise to the claim occurred here, nor that any defendant may be found in this district.
9 To the contrary, Moving Defendants have shown that the events which gave rise to this claim all
10 occurred in Los Angeles and all Moving Defendants reside in that district.

11 Accordingly, the Court GRANTS Moving Defendants' motion and ORDERS that this matter
12 be transferred to the United States District Court for the Central District of California, Los Angeles.
13 The hearing scheduled for November 15, 2007 is VACATED.

14 **IT IS SO ORDERED.**

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16 Dated: November 1, 2007
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18 MARIA-ELENA JAMES
19 United States Magistrate Judge
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